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March 11, 2010

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Request for Review**  
**FRN 1837112 Denial**

Applicant: Free Library of Philadelphia  
Service Provider: Allied Telecom Group, LLC  
Applicant BEN: 126162  
Provider SPIN: 143022365  
Form 471 Application Number: 669457  
CC Docket No. 02-6  
CC Docket No. 96-45

**Contact information:**

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Federal Communications Commission Officer:

The Free Library of Philadelphia requests that the FCC review the decision of the Schools and Libraries Division ("SLD") to deny FRN 1837112. A subsequent appeal to USAC was also denied on a technicality. This Funding Request is for our Internet Service Provider, Allied Telecom. This service is extremely important to the Free Library of Philadelphia. We provide 1.4 million public sessions annually system-wide. That public access depends on a reliable Internet Service Provider. The city of Philadelphia is in an extreme fiscal crisis. Our citizens are in desperate need of the free internet access that we make available in every neighborhood library for homework, job searching, and building technical skills. Free internet access is exactly the kind of service that USAC was created to support. To deny the citizens of Philadelphia this service is counter to the mission of the e-rate program. For the Free Library to absorb the entire \$150,000 cost of internet service would present an extreme hardship to us at this time.

**Statement of Facts:**

The USAC in a Funding Commitment Decision Letter dated January 19, 2010, denied the Free Library \$135,000 in funding for our Internet Service provider due to a bidding violation.

**Funding Commitment Decision: \$0.00 – Selective – Bidding Violation**

**DR1: The vendor selection documentation provided was created after the contract award date. The vendor evaluation documentation should be completed prior to the contract award date.**

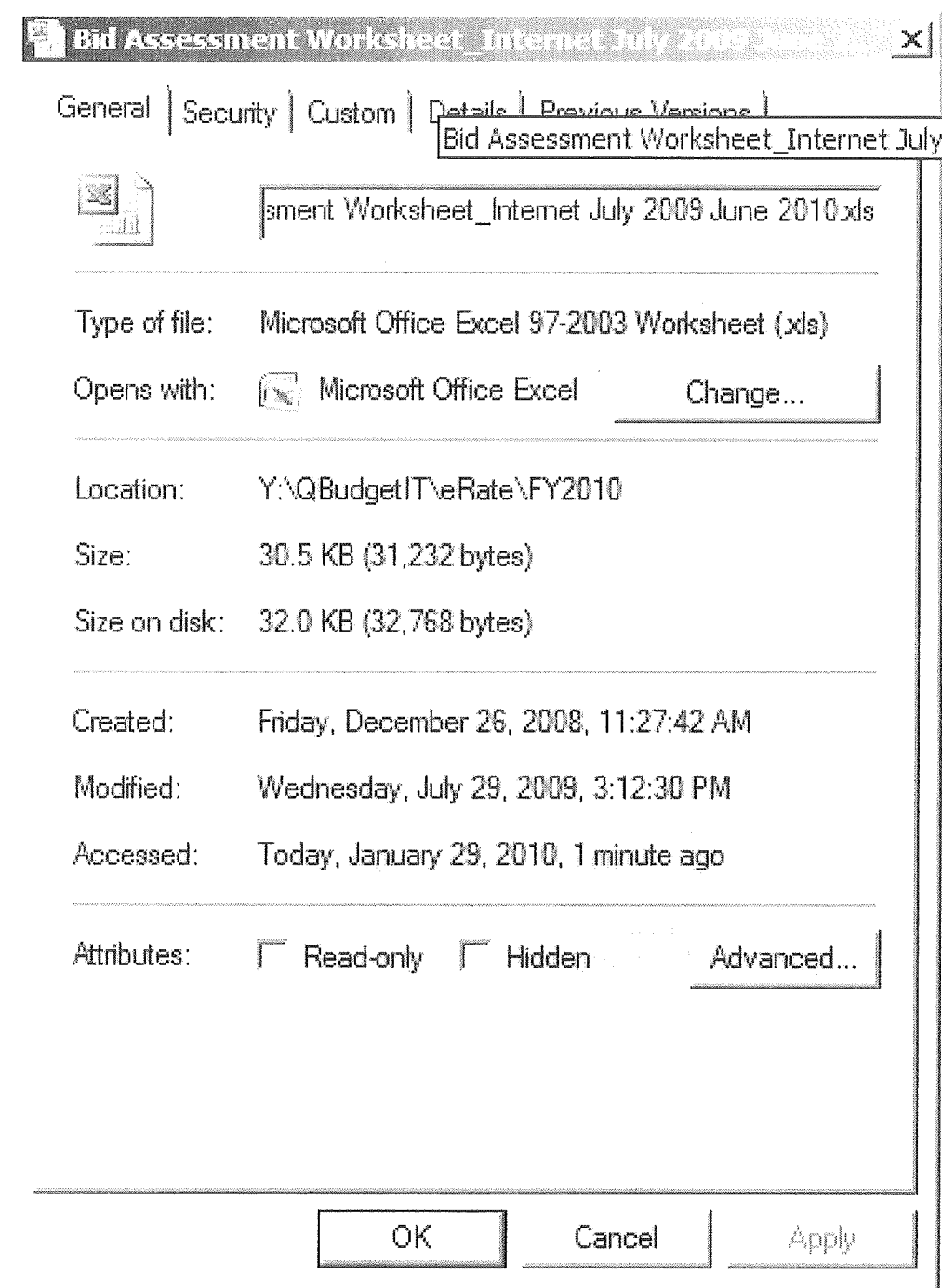
**Issue for Clarification on Appeal:**

Please see the attached quotes which confirm that there was no bidding violation. The FCDL states that the bid evaluation worksheet was prepared after the contract award date. The bid evaluation worksheet was created on December 26, 2009 as shown in the screen shot below. I filled in the spreadsheets throughout the following month for the ISP service and the other services requested on the 470. Proficient Telecom submitted a bid on December 19, 2008 which did not include a price for the 200 Mbps service requested on our form 470. Allied Telecom submitted a bid on January 14, 2009 for \$12,500 monthly with no installation costs. Cavalier submitted a quote for \$26,500 per month and \$10,000 installation costs. We chose the lowest viable bid and signed a contract with Allied Telecom on January 30, 2009, well after the 28 day waiting period.

The instructions on the USAC site state that the use of a bid evaluation worksheet is a suggestion, **not a requirement**. I created the bid evaluation worksheet as **an internal tool**. I followed the USAC rules and chose the **lowest priced viable bid**. The USAC should not use the dates on an optional internal tool to deny us funding for our internet service.

I underwent a very thorough PIA review and a Selective Review during the summer of 2009. Answering questions from two different reviewers required me to open and close all of our e-rate documents numerous times and I must have inadvertently hit save on this one which changed the Modified Date. I explained that to my third reviewer in December of 2009. Our Chief Technology Officer, Jim Pecora and I both offered to sign a document certifying that we did not change any of the content on the bid

evaluation worksheet. I never received a direct response to that offer, and I was surprised that the decision to deny this request was made.



**Administrative Action Requested**

Accordingly, the Free Library of Philadelphia requests that the FCC reverse USAC's decision to deny us funding for our Internet Service Provider as there was no waste, fraud or abuse involved and there was no bidding violation.

Please let me know if there is any other documentation that would help you to allow the funding request for \$135,000 to provide Internet service to the Free Library of Philadelphia.

Respectfully,

A handwritten signature in black ink, reading "Kathleen M. Hannigan". The signature is fluid and cursive, with the first name "Kathleen" being more prominent and the last name "Hannigan" written in a similar style.

Kathleen M. Hannigan  
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